

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION

ROBERT KING MALLARD,

Plaintiff

VS.

KEVIN ROBERTS, et al.,

Defendants.

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**1 : 05-CV-02 (WLS)**

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**RECOMMENDATION**

Presently pending in this action brought pursuant to 42 U.S.C. § 1983 are the defendants' Motion for Summary Judgment and the plaintiff's Motion to Dismiss. The plaintiff filed this action on January 1, 2005, raising allegations regarding the conditions of his confinement at Lee State Prison. Certain claims against certain defendants were allowed to proceed on April 6, 2005, and other claims and defendants were recommended dismissed. The plaintiff filed a motion for appointment of counsel which was denied. The defendants filed their summary judgment motion on November 4, 2005, and apparently in response thereto the plaintiff filed his motion to dismiss this matter.

In his Motion to Dismiss, the plaintiff states that he wishes to dismiss this matter based on his lack of legal knowledge and his inability to obtain legal counsel herein. Upon a thorough review of this matter, it is the recommendation of the undersigned that plaintiff's Motion to Dismiss this matter be **GRANTED** and this matter be dismissed with prejudice. It is further recommended that defendants' Motion for Summary Judgment be **DENIED** as moot.

Pursuant to 28 U.S.C. § 636(b)(1), the parties may file written objections to these

recommendations with the Honorable W. Louis Sands, United States District Judge, WITHIN  
TEN (10) DAYS of receipt thereof.

**SO RECOMMENDED**, this 20<sup>th</sup> day of July, 2007.

/s/ **Richard L. Hodge**  
RICHARD L. HODGE  
UNITED STATES MAGISTRATE JUDGE

asb